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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,614	01/24/2002	Eli Zhadanov		5016

7590
Ilya Zborovsky
6 Schoolhouse Way
Dix Hills, NY 11746

06/18/2002

EXAMINER

CHAN, KO HUNG

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 06/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/053,614

Applicant(s)

ZHADANOV ET AL.

Examiner

Korie H. Chan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant should refrain from the use of the pronoun "its" in claim 1, line 4. Further, "said first axis" on claim 1, line 12 lacks antecedent basis. Further, claim 1, line 11 recites "a tubular channel" which already denotes that the peripheral wall of the tubular channel is closed; however, claim 2 recites that the channel is closed which is not further limiting since "tubular" channel is of tube shape which by definition has closed walls. Further claim 3 recites the tubular channel has an open peripheral portion which is contradicts the meaning of a tubular channel as recited in claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buswell'075 in view of Howard'923. Buswell'075 discloses a device comprising an

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attachment element (4) and a holding element (3) with an closed tubular channel (17) with cylindrical inner surface wherein the holding element is pivotable between an operative position and inoperative position (fig. 2 dash line) wherein there are two of such devices with an additional element (1) mounted in the tubular channel (17) of the holding element. However, Buswell does not disclose vacuum attaching element or another holding element on the additional element. Howard teaches a device comprising a vacuum attaching element movable about its axis and a holding element (24) having an open channel (16) which is pivotable to an operative position and can be turned to another position (dashline 51) wherein there are two of such device (fig. 5) with an additional element (rod, fig. 5) and another holding element (hook on rod, fig. 5) on the additional element. It would have been obvious to one of ordinary skill in the art to modify the screw attachment of Buswell'075 with vacuum attachment for ready detachment and attachment and to provide another holding element on the rod for hanging additional articles as taught by Howard. Further, it would have been an obvious matter of mechanical expedient to make the channel with an open peripheral portion as opposed to Buswell's closed tubular portion.

Claims 1-4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable Panzer'751 in view of Buswell'075. Panzer'751 discloses a device for shower head comprising a vacuum attaching element (8) and a holding element having an open ended channel (19). Panzer'751 does not show the holding element is pivotable between an operative and inoperative position nor providing two of such device for supporting an element or rod therebetween. Buswell'075 teaches a device comprising

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an attachment element (4) and a holding element (3) with an closed tubular channel (17) with cylindrical inner surface wherein the holding element is pivotable between an operative position and inoperative position (fig. 2 dash line) wherein there are two of such devices with an additional element (1) mounted in the tubular channel (17) of the holding element. It would have been obvious to one of ordinary skill in the art to modify the device of Panzer such that the holding element is pivotable between an operative and inoperative position as taught by Buswell for stowaway purposes and to provide two of such device for supporting a rod as taught by Buswell for supporting additional articles.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable Panzer'751 in view of Buswell'075 as applied to 1 above, and further in view of Lipski'573. Panzer and Buswell combined does not show the conical inner surface of the tubular channel. Lipski'573 teaches in a shower head holding device of providing an channel (28) having an inner conically shaped surface (74, fig. 2). It would have been obvious to one of ordinary skill in the art to modify the inner surface of the channel of Panzer and Boswell combined such that it is conically shaped to adapt to the shape of the shower head handle as taught by Lipski'573.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable Panzer'751 in view of Buswell'075 as applied to 1 above, and further in view of Howard'923. Panzer and Buswell combined does not show another holding element on the rod. Howard teaches providing another holding element (hook, fig. 5) on the rod. It would have been

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obvious to one of ordinary skill in the art to provide a hook on the rod of Panzer and Buswell combined to facilitate holding additional article as taught by Howard.

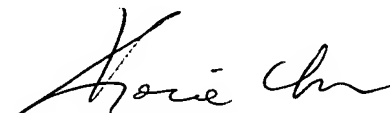
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Korie H. Chan whose telephone number is 703-305-8079. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Les Braun can be reached on 703-308-2156. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3597 for regular communications and 703-305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


Korie H. Chan
Examiner
Art Unit 3632

khc
June 14, 2002